HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P.(C) NO. 6212/2007

PETITIONER Madanlal Sahu, aged about 50 years, S/o. Shri Sukhlal R/o. Village-Kopedih, Tahsil and Distt. Rajnandgaon (CG)

Vs.

RESPONDENTS

1. State of Chhattisgarh, through Secretary, Department of Commerce & Industry, Mantralaya, DKS Bhawan, P.O. & Distt. Raipur (CG)
2. Collector, Rajnandgaon (CG)
3. Sub Divisional Officer, Rajnandgaon (CG)
4. Chhattisgarh State Industrial Development Corporation Ltd., (An undertaking of the State of Chhattisgarh), LIC Commercial Complex, (ground floor and 2nd floor) Pandri, P.O. & Distt. Raipur (CG)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

(SB: Hon'ble Mr. **Satish K. Agnihotri, J.)**

Shri B.R.Ghosh, counsel for the petitioner.
Shri Sumesh Bajaj, Government Advocate for the State.

O R D E R
(Passed on this 11th day of October, 2007)

The petitioner, a resident of village Kopedih, Tahsil & District Rajnandgaon, in this petition, seeks following relief :

i) The State respondent-1 kindly be directed to file a comprehensive report of its scheme on the formation of a new big Industrial Estate at Joratarai covering seven villages (Joratarai, Birejhar, Fuljhar, Indawani, Magarlota, Anjora and Kopedih) and after perusal of the scheme, it may kindly be rejected by issuance of a writ of Certiorari.

ii) The State respondent -1 kindly be directed to resort to the development of the existing industrial estates at Tedesara and Rasmara by a writ of Mandamus.

iii) Any other writ/order/direction deemed expedient in the circumstances of the case, may also kindly be allowed including cost of this petition.

According to learned counsel appearing for the petitioner, the acquisition of the land which is the sole source of income of the petitioner, amounts to violation of fundamental rights enshrined under Article 21 of the Constitution of India. This issue is no longer *res integra* as it is a settled position of law that right to property is not a fundamental right. The petitioner may have other legal right but the petitioner makes it clear that this petition has been filed on the sole ground of violation of Article 21 of the Constitution of India.

The petitioner has not questioned the acquisition of land in dispute on any other ground and informed that the petitioner has not even filed an objection as provided under the provisions of Section 5-A of the Land Acquisition Act. The petition is vague, it does not show any cause of action for invoking the jurisdiction of this Court under Article 226 of the Constitution of India.

The petition is accordingly dismissed summarily.

Sd/-
Satish K. Agnihotri
Judge